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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA  
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9 CURTIS B FISHER,

10 Plaintiff,

11 v.

12 WASHINGTON STATE  
13 DEPARTMENT OF CORRECTIONS,  
14 et al.,

15 Defendant.

CASE NO. C18-5544 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

16 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 26. The Court  
17 having considered the R&R and the remaining record, and no objections having been  
18 filed, does hereby find and order as follows:

- 19 (1) The R&R is **ADOPTED**;
- 20 (2) Plaintiff’s motion for voluntary dismissal, Dkt. 24, is **GRANTED**;
- 21 (3) Plaintiff’s action is **DISMISSED without prejudice and without costs**;
- 22 and

1 (4) Defendants' motion for summary judgment, Dkt. 18, is **DENIED as moot.**

2 Dated this 25th day of February, 2019.

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5 BENJAMIN H. SETTLE  
6 United States District Judge  
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